

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSETT, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency rule is a correct copy as promulgated and adopted on the 17th day of July, 2015.

AGENCY NAME: Secretary of State

RULE NO. AND TITLE: 820-2-10-.05-.25ER Counting Of Absentee Ballots.

EFFECTIVE DATE OF RULE: July 17, 2015.

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: This emergency rule is necessary to clarify the requirements for counting absentee ballots returned electronically by overseas voters for the Montgomery Municipal Election to be held on August 25, 2015, and Municipal Runoff Election to be held on October 6, 2015. The aforesaid election has been selected by the Secretary of State, in cooperation and with the approval of the City of Montgomery, to serve as a pilot project regarding the transmittal of blank absentee ballots and electronic return of the voted absentee ballots in preparation for the 2016 election cycle.

STATUTORY AUTHORITY: Code of Ala. 1975, §§17-11-40 et seq., 17-11-12.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

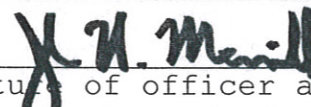
NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

REC'D & FILED

JUL 17 2015

LEGISLATIVE REF SERVICE

Jean Brown, Chief Legal Advisor
Office of the Secretary of State
State Capitol
Montgomery, AL 36104
(334) 272-7202



Signature of officer authorized
to promulgate and adopt rules a
regulations or his or her deputy

FILING DATE
(For APA Use Only)

AMENDED

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-10-.05-.25ER Counting Of Absentee Ballots.

(1) As provided in §17-11-10, no poll worker or other election official shall count an absentee ballot unless the appropriate affidavit has been properly completed by the voter, except that an absentee ballot transmitted to an overseas voter electronically and returned by mail, commercial ground or air carrier, or by secure electronic transmission shall not be counted unless the voter properly submits the appropriate "Overseas Voter Certificate."

(2) An affidavit is properly completed if the voter has complied with the provisions of §17-11-7, Code of Ala. 1975, including the requirement for witnessing, except that the affidavit is not required to be notarized.

(3) An Overseas Voter Certificate is properly submitted if it is signed and dated by the overseas voter.

Author: Edward Packard, Jean Brown, William Sutton.

Statutory Authority: Code of Ala. 1975, §§17-11-40 *et seq.*, 17-11-12.

History: New Rule: Filed March 28, 2014; effective May 2, 2014. **Amended:** Filed July 17, 2015; effective July 17, 2015.

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